

The opinion in support of the decision being entered today was not written for publication and is not binding precedent of the Board.

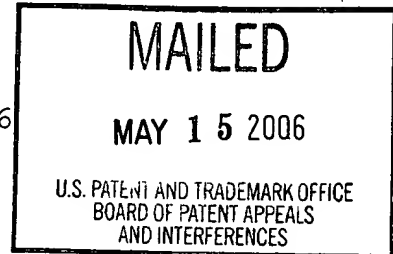
UNITED STATES PATENT AND TRADEMARK OFFICE

**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Ex parte MIKKO LUKKAROINEN and VIRVE INGET

Appeal No. 2006-0539
Application No. 09/525,806

ON BRIEF



Before RUGGIERO, BLANKENSHIP, and SAADAT , Administrative Patent Judges.

SAADAT, Administrative Patent Judge.

DECISION ON APPEAL

This is a decision on appeal under 35 U.S.C. § 134 from the Examiner's final rejection of claims 1, 2, 4 and 5. Claims 3 and 6 have been canceled.

We reverse.

BACKGROUND

Appellants' invention is directed to a method and system in a mobile communications device for displaying externally and internally generated inquiries in two separate dynamic and static display zones, respectively. According to Appellants, the internally generated inquiries trigger an indicator in the static display zone to advise the user of the authenticity of the inquiry. An understanding of the invention can be derived from a reading of exemplary independent claim 1, which is reproduced as follows:

1. In a mobile communications device adapted to allow a user to communicate interactively with a remote network server, a system, within said mobile device, for indicating the authenticity of inquiries for confidential identity codes comprising;

a control processor within said mobile device for operating said mobile device, said processor adapted to identify said inquiries for confidential identity codes as externally generated or internally generated;

a display within said mobile device for presenting information to the user, said display divided into first and second discrete display zones; and

routing means within said mobile device constructed to send externally generated information only to said first display zone;

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wherein said control processor generates an indication symbol in said second display zone when the inquiry is internally generated to indicate to the user that said inquiry is authentic.

The Examiner relies on the following references:

Holmes et al. (Holmes)	6,334,056	Dec. 25, 2001 (filed May 28, 1999)
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Wallent et al. (Wallent)	6,366,912	Apr. 2, 2002 (filed Apr. 6, 1998)
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Claims 1, 2, 4 and 5 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Holmes and Wallent.

Rather than reiterate the opposing arguments, reference is made to the brief (filed April 5, 2005) and the answer (mailed August 10, 2005) for the respective positions of Appellants and the Examiner. Only those arguments actually made by Appellants have been considered in this decision. Arguments which Appellants could have made but chose not to make in the brief have not been considered (37 CFR § 41.37(c)(1)(vii)).

OPINION

In rejecting the claims, the Examiner relies on Holmes for teaching the claimed mobile device having a processor and a display for presenting information to a user and on Wallent for disclosing a display for displaying the inquiries made by a server (answer, page 4). Based on the teachings of these two prior art references, the Examiner concludes that the skilled artisan would have found it obvious to use the security zone system of Wallent to allow categorizing different servers according to their levels of trust (id.).

Appellants point out that the security problem identified in Holmes (col. 2, lines 16-29) relates to the concern about security breaches incoming from mobile devices and not those received by a mobile telephone (brief,, pages 3-4). With respect to Wallent, Appellants argue that, instead of static and dynamic displays, there is only one display with multiple windows distributed over the area of the screen (brief, page 5). Appellants further argue that the closest discussion in Wallent (col. 4, lines 48-49) relates to classification of web sites into security zones having different security precautions (id.).

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In response to Appellants' arguments, the Examiner asserts that Wallent identifies the internal or external source of the inquiry by determining whether a set of data is from a local intranet or from an outside source (answer, page 6). The Examiner further argues that Figure 7 of Wallent shows the main browser window as the first display zone wherein the toolbar 704/706/702 forms the second display zone for generating an indication that the inquiry is authentic (id.).

As a general proposition, in rejecting claims under 35 U.S.C. § 103, the examiner bears the initial burden of presenting a prima facie case of obviousness. See In re Rijckaert, 9 F.3d 1531, 1532, 28 USPQ2d 1955, 1956 (Fed. Cir. 1993) and In re Fine, 837 F.2d 1071, 1074, 5 USPQ2d 1596, 1598 (Fed. Cir. 1988). A prima facie case of obviousness is established when the teachings of the prior art itself would appear to have suggested the claimed subject matter to one of ordinary skill in the art. See In re Bell, 991 F.2d 781, 783, 26 USPQ2d 1529, 1531 (Fed. Cir. 1993); In re Fritch, 972 F.2d 1260, 1266 n.14, 23 USPQ2d 1780,

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1783-84 n.14 (Fed. Cir. 1992); Uniroyal, Inc. v. Rudkin-Wiley Corp., 837 F.2d 1044, 1051, 5 USPQ2d 1434, 1438 (Fed. Cir. 1988); Ashland Oil, Inc. v. Delta Resins & Refractories, Inc., 776 F.2d 281, 293, 227 USPQ 657, 664 (Fed. Cir. 1985). In considering the question of the obviousness of the claimed invention in view of the prior art relied upon, the Examiner is expected to make the factual determinations set forth in Graham v. John Deere Co., 383 U.S. 1, 17, 148 USPQ 459, 467 (1966), and to provide a reason why one having ordinary skill in the pertinent art would have been led to modify the prior art or to combine prior art references to arrive at the claimed invention. See also In re Rouffet, 149 F.3d 1350, 1355, 47 USPQ2d 1453, 1456 (Fed. Cir. 1998). Such evidence is required in order to establish a prima facie case. In re Piasecki, 745 F.2d 1468, 1471-72, 223 USPQ 785, 787-88 (Fed. Cir. 1984); In re Cofer, 354 F.2d 664, 668, 148 USPQ 268, 271-72 (CCPA 1966).

After reviewing Holmes, we agree with Appellants that processing the access requests and querying the wireless device for entering the appropriate security information, as described in Holmes, concern security breaches coming from the wireless

device in a direction opposite to the claims. Wallent, on the other hand, provides for various security zones that may be on the local network or a part of the Internet such that the local and the trusted zones are considered to contain sites that are not a security problem (col. 7, lines 39-55). In that regard, some Internet web sites that are included in the trusted zones are still considered external but do not trigger any alerts when inquiries are initiated from such sites. See also Figure 5 in which the user may categorize a site as always trusted although the site may be external (col. 10, lines 3-13).

Therefore, what the Examiner characterizes as the claimed "first and second discrete display zones" in Figure 7 of Wallent (answer, page 6), actually relates to the web site's security zone (col. 10, lines 45-52) which presents no useful correspondence between authenticity of the inquiry and whether the inquiry is internally generated. This problem is what Wallent solves by identifying and listing the trusted Web addresses in a trusted sites zone list in order to indicate their

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authenticity with no regard for their origin as external or internal. Therefore, as pointed out by Appellants (brief, pages 7-8), although Wallent's system is responsive to the user's security preference selections, it does not make any determination of whether an inquiry is authentic or where it should be displayed according to its internal or external source.

Thus, assuming, arguendo, that it would have been obvious to combine Wallent with Holmes, as held by the Examiner, the combination would still fall short of teaching or suggesting that the externally generated information be sent only to the first display zone. We note that the other independent claim includes the same routing requirements according to the source of the inquiries. Accordingly, as the Examiner has failed to set forth a prima facie case of obviousness, we cannot sustain the 35 U.S.C. § 103 rejection of claims 1, 2, 4 and 5 over Holmes and Wallent.

CONCLUSION

In view of the foregoing, the decision of the Examiner rejecting claims 1, 2, 4 and 5 under 35 U.S.C. § 103 is reversed.

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REVERSED

Joseph F. Buggier

JOSEPH F. RUGGIERO
Administrative Patent Judge

Howard B. Blankenship

HOWARD B. BLANKENSHIP
Administrative Patent Judge

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